

**REMARKS**

The Applicant does not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that this response be entered and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated February 25, 2006 has been received and considered by the Applicants. Claims 1-24 are pending in the present application for invention. Claims 1-24 are rejected by the February 25, 2006 Final Office Action.

The Final Office Action rejects Claims 1-24 under the provisions of 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter the applicant regards as the invention.

The Examiner states that the terms "said data packets" and "said RTT" in Claim 1 have insufficient antecedent basis. The Applicant, respectfully, disagrees. These terms are correctly introduced. Therefore, this rejection is traversed.

The Examiner states that the term "said RTT" in Claim 2 has insufficient antecedent basis. The Applicant, respectfully, disagrees. This term is correctly introduced in Claim 1. Therefore, this rejection is traversed.

The Examiner states that the term "may" in Claim 4 renders the claim indefinite. The Applicants, respectfully, disagrees. The term "may" is permissive. The term indicates the rate as which server has permission to transmit subsequent data packets to said client. Therefore, this rejection is traversed. The Examiner states that the terms "said acknowledgement messages" in Claim 4 has insufficient antecedent basis. The Applicant, respectfully, disagrees. This term is correctly introduced. Therefore, this rejection is traversed.

Regarding Claim 6, the Examiner states that there is insufficient antecedent basis for the term "said predetermined number of said RTT". This has been corrected by the foregoing amendment to Claim 6.

Regarding Claim 9, the Examiner states that there is insufficient antecedent basis for the term "said response packet". This has been corrected by the foregoing amendment to Claim 9.

Claims 1-6, 8 and 16-20 are rejected under the provisions of U.S.C. §103(a) as being obvious over U.S. Patent No. 5,918,002 issued to Klemets et al. (hereinafter referred to as Klemets et al.) in view of U.S. Patent No. 6,560,243 issued to Mogul (hereinafter referred to as Mogul).

Regarding claim1, the Examiner contends that Klemets et al. disclose the step of transmitting the new sender rate to the server in a separate congestion control packet during said communication connection at col. 6, line 7- col. 7, line 60; col. 8, lines 25-45; col. 10, line 60- col. 11, line 25; Figure 4, Figure 5A item 514, Figure 5C item 537, Figure 5E item 52 and Figure 11. The Applicant, respectfully, points out that rejected Claim 1 defines subject matter for including the new sender rate in the transmission of the response packet; and transmitting the new sender rate to the server in a separate congestion control packet during said communication connection. The rejection alleges that Klemets et al. disclose the step of transmitting said new sender rate to the server in a separate congestion control packet. Klemets et al. only teach a single response that contains a new sender rate. There is no disclosure or suggestion for a separate communication of any sort that communicates a new sender rate in multiple communications.

The Examiner admits that Klemets et al. only teach a single response that contains a sender rate and attempts to use Mogul for the new sender rate being sent in the transmission of the response packet. The Examiner alleges that Mogul teaches including a new sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit message to the client. The Applicant directs the Examiner's attention to the discussion within Mogul related to Figure 5 beginning on col. 4, line 30. Mogul clearly states that the ACK packet 184 indicates to the sender the sequence number and the amount of data that the receiver is willing to accept (see col. 4, lines 34-39). Mogul clearly states that the sender determines the highest byte number that can be transmitted from the advertised window and the sequence number. There is no disclosure or suggestion within Mogul that for including a sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit messages to the client in Figure 5 or the discussion related thereto. Mogul clearly teaches that an amount of data that may be transferred is calculated by the sender from the sequence number and the advertised window.

The Applicant further points out that Mogul only teaches a single response.

Neither Mogul nor Klemets et al. disclose multiple responses that contain the new sender rate. Therefore, all of the elements defined by the by rejected Claim 1 are not found in the combination made by the Final Office Action. Accordingly, this rejection is traversed.

Claims 2 and 3 depend from Claim 1 and are believed to be allowable for that reason.

Regarding Claim 4, the Examiner admits that Klemets et al. does not teach including in acknowledgment messages the new sender rate which the server may transmit subsequent data packets. The Examiner alleges that Mogul teaches including a new sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit message to the client in Figure 5. The Applicant directs the Examiner's attention to the discussion within Mogul related to Figure 5 beginning on col. 4, line 30. Mogul clearly states that the ACK packet 184 indicates to the sender the sequence number and the amount of data that the receiver is willing to accept (see col. 4, lines 34-39). Mogul clearly states that the sender determines the highest byte number that can be transmitted from the advertised window and the sequence number. There is no disclosure or suggestion within Mogul that for including a sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit messages to the client in Figure 5 or the discussion related thereto. Mogul clearly teaches that an amount of data that may be transferred is calculated by the sender from the sequence number and the advertised window. Therefore, this rejection is traversed.

Regarding Claim 5, the Examiner admits that Klemets et al. does not teach including in a packet RTT sequence number and a new sender rate. The Examiner alleges that Mogul teaches including a new sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit message to the client in Figure 5. The Applicant directs the Examiner's attention to the discussion within Mogul related to Figure 5 beginning on col. 4, line 30. Mogul clearly states that the ACK packet 184 indicates to the sender the sequence number and the amount of data that the receiver is willing to accept (see col. 4, lines 34-39). Mogul clearly states that the sender determines the highest byte number that can be transmitted from the advertised window and the sequence number. There is no disclosure or suggestion within Mogul that for including a sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit messages to the client in Figure 5 or the discussion related thereto. Mogul clearly teaches that an amount of data that may be

transferred is calculated by the sender from the sequence number and the advertised window. Therefore, this rejection is traversed.

Regarding Claim 6, the Examiner admits that Klemets et al. does not teach including a new sender rate which the server may transmit subsequent data packets. The Examiner alleges that Mogul teaches including a new sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit message to the client in Figure 5. The Applicant directs the Examiner's attention to the discussion within Mogul related to Figure 5 beginning on col. 4, line 30. Mogul clearly states that the ACK packet 184 indicates to the sender the sequence number and the amount of data that the receiver is willing to accept (see col. 4, lines 34-39). Mogul clearly states that the sender determines the highest byte number that can be transmitted from the advertised window and the sequence number. There is no disclosure or suggestion within Mogul that for including a sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit messages to the client in Figure 5 or the discussion related thereto. Mogul clearly teaches that an amount of data that may be transferred is calculated by the sender from the sequence number and the advertised window. Therefore, this rejection is traversed.

Claim 8 depends from Claim 1 and is believed to allowable for that reason.

Claims 16-20 are rejected for the same reasons as Claim 1-6 and 8.

Accordingly, the rejection of Claims 16-20 is traversed for the same reasons as Claim 1-6 and 8.

The Office Action rejects Claims 9-11 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Klemets et al. in view of U.S. Patent No. 6,629,285 issued to Gerendai et al. (hereinafter referred to as Gerendai et al.).

Regarding Claim 9, the Examiner alleges that Klemets et al. teaches the subject matter for successively transmitting a number of response packets responsive to the plurality of the data packets containing the new sender rate. The Applicant disagrees with this allegation. There is no disclosure or suggestion within Klemets et al. for transmitting a number of response packets responsive to the plurality of the data packets containing the new sender rate.

Claims 10 and 11 depend from Claim 9 and are believed to be allowable for that reason.

The Office Action rejects Claims 12-15, and 21-24 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Klemets et al. in view of Gerendai et al. in and further in view of Mogul and further in view of U.S. Patent No. 6,629,285 issued to Gerendai et al. (hereinafter referred to as Gerendai et al.).

Regarding Claim 21, the Examiner alleges that Mogul teaches to a response packet that includes a new transmission rate. The Applicant directs the Examiner's attention to the discussion within Mogul related to Figure 5 beginning on col. 4, line 30. Mogul clearly states that the ACK packet 184 indicates to the sender the sequence number and the amount of data that the receiver is willing to accept (see col. 4, lines 34-39). Mogul clearly states that the sender determines the highest byte number that can be transmitted from the advertised window and the sequence number. There is no disclosure or suggestion within Mogul that for including a sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit messages to the client in Figure 5 or the discussion related thereto. Mogul clearly teaches that an amount of data that may be transferred is calculated by the sender from the sequence number and the advertised window. Therefore, this rejection is traversed.

The Examiner rejection the remaining claims under this rejection (Claims 12-14, 22-24 and 15) for the same reasons as Claims 4-6 and 21. Therefore, the rejection of Claims 12-14, 22-24 and 15, is traversed for the same reasons as Claims 4-6 and 21 as previously discussed.

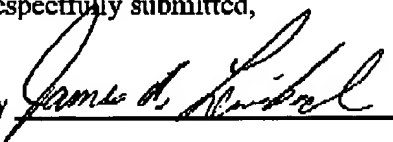
The Office Action rejects Claim 7 under the provisions of 35 U.S.C. §103(a) as being obvious over Klemets et al. in view of Gerendai et al. in and further in view of Mogul. The Examiner alleges that Mogul teaches to a response packet that includes a new transmission rate. The Applicant directs the Examiner's attention to the discussion within Mogul related to Figure 5 beginning on col. 4, line 30. Mogul clearly states that the ACK packet 184 indicates to the sender the sequence number and the amount of data that the receiver is willing to accept (see col. 4, lines 34-39). Mogul clearly states that the sender determines the highest byte number that can be transmitted from the advertised window and the sequence number. There is no disclosure or suggestion within Mogul that for including a sender rate in the acknowledgement messages specifying a transmission rate at which the server may transmit messages to the client in Figure 5 or the discussion related thereto. Mogul clearly teaches that an amount of data that may be transferred is calculated by the sender from the sequence number and the advertised window. Therefore, this rejection is traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

The Commissioner is hereby authorized to charge any fees associated with the filing of this response to Account No. 50-3745, including extension fees but not issue fees, and to credit any overpayments to the same account.

Respectfully submitted,

By 

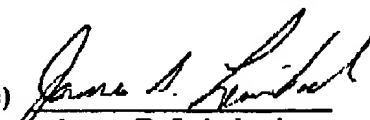
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